

-- REMARKS --

Responsive to the Advisory Action dated May 24, 2001.

The Examiner states that claims 64-66, 67-72, 80-82 and 83 still fail to meet the written description guidelines because these sequences are ESTs as provided on page 57 of the specification. Applicant respectfully directs the Examiner's attention to Attachment A, entitled "A Novel Human Odorant-Binding Protein Gene Family Resulting From Genomic Duplicons at 9q34: Differential Expression in the Oral and Genital Spheres" which further characterizes the polynucleotides claimed in the present invention. Applicant respectfully submits that in light of the above attachment and remarks, the new claims 50-74 are in a condition for allowance and requests that this rejection be withdrawn.

Responsive to the Office Action dated September 14, 2001.

The Examiner states that the parent application U.S. Application Serial No. 08/879,345 filed June 1997 does not disclose the specific fragments as set forth in the Amendment. Applicant respectfully disagrees.

Applicant indicated in the parent application that the sequences disclosed in the parent application may also contemplate fragments of the sequences disclosed. Thus, the specific fragments described in the parent application which are now referenced as SEQ ID NOS:1, 2, 4, and 5 of the instant application are disclosed in the parent applications as set forth in Applicant's previous Amendment and repeated below and are deserving of priority as set forth previously. Applicant reminds Examiner that Applicant's previous Amendment amended the claims so that they no longer claim SEQ ID NO:3. Thus, the claimed sequences are deserving of priority as set forth previously.

Claims 1, 3, 6, 10-11, 15, 30, 33, 38-40 and 45-49 are rejected under 35 USC §112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant vigorously disagrees.

Firstly, the Examiner states that the specification does not describe or discuss "lipocalin-encoding" and has required that reference to this term be cancelled. In an effort to expedite prosecution, Applicant has cancelled all claims containing "lipocalin-encoding". New claims 50-74 do not contain this term. In view of the above remarks, Applicant respectfully submits that the new claims are in a condition for allowance and requests that this rejection be withdrawn.

Secondly, claims 1-16, 30, 33, 35, 38-42 and 45-49 are rejected under 35 USC §112, first paragraph because the Examiner states that the specification does not reasonably provide enablement for polynucleotides having varying percent identities. The Examiner states that without specific teachings with respect to the methods used to determine percent identity, a skilled artisan could not be expected to identify or make the polynucleotides of the present invention. Applicant respectfully disagrees.

The specification includes disclosure on making and using polynucleotide sequences and variants. The specification defines the term "identity" and provides methods and techniques for making and using polynucleotides of varying percent identities and for calculating percent identity (*see* page 12). However, in an effort to clarify the nature of the polynucleotides of the instant application, Applicant has removed "identity" language from the claims. Applicant respectfully submits that the new claims are in a condition for allowance and requests that this rejection be withdrawn.

Thirdly, the Examiner states that the specification only analyzed breast cancer tissue not breast tissue disease. Applicant notes that cancer of the breast tissue is commonly considered a disease of the breast tissue. However, in an effort to expedite prosecution, in Applicant's previous amendment, the claims were amended so that they were drawn to breast cancer. Now, in an effort to further clarify, these claims have been canceled and new claims 50-74 are still drawn to breast cancer. The Examiner states that claim 49 is drawn to breast cancer disease. This claim has been canceled. Applicant respectfully submits that the new claims are in a condition for allowance and requests that this rejection be withdrawn.

Claim 38 is rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,020,163. This claim has been cancelled. Applicant respectfully submits that the new claims are in a condition for allowance and requests that this rejection be withdrawn.

CONCLUSION

In view of the aforementioned amendments and remarks, Applicant respectfully submits that the above-referenced application is now in a condition for allowance and Applicant respectfully requests that the Examiner withdraw all outstanding objections and rejections and passes the application to allowance.

Dated: August 15, 2001

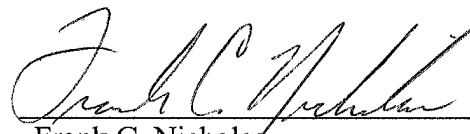
Respectfully submitted,
P.A. Billing-Medel, *et al.*



ABBOTT LABORATORIES
D-0377/AP6D-2
100 Abbott Park Road
Abbott Park, Illinois 60064-6050
Phone: (847) 935-7550
Fax: (847) 938-2623

Mimi C. Goller
Registration No. 39,046
Attorney for Applicants

CARDINAL LAW GROUP
1603 Orrington Avenue
Suite 2000
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants